

**AUDIT REPORT
OF
DAKOTA COUNTY COURT**

JULY 1, 2003 THROUGH JUNE 30, 2004

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Issued on May 26, 2005

DAKOTA COUNTY COURT

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DAKOTA COUNTY COURT

SUMMARY OF COMMENTS

During our audit of Dakota County Court, we noted certain matters involving the internal control over financial reporting and other operational matters that are presented here. These comments and recommendations are intended to improve the internal control over financial reporting or result in operational efficiencies in the areas as follows:

1. ***Segregation of Duties:*** Individuals were capable of handling all phases of a transaction from beginning to end.
2. ***Pledged Security:*** During the first three months of the fiscal year, Dakota County Court had deposits in excess of amounts insured by the Federal Deposit Insurance Corporation and pledged securities.

More detailed information on the above items is provided hereafter. It should be noted that this report is critical in nature as it contains only our comments and recommendations on the areas noted for improvement and does not include our observations on any accounting strengths of the Court.

Draft copies of this report were furnished to the Court to provide them an opportunity to review the report and to respond to the comments and recommendations included in this report. The Court declined to respond.

We appreciate the cooperation and courtesy extended to our auditors during the course of the audit.

DAKOTA COUNTY COURT

COMMENTS AND RECOMMENDATIONS

1. Segregation of Duties

Good internal control includes a plan of organization, procedures, and records designed to safeguard assets and provide reliable financial records. A system of internal control should include proper segregation of duties so no one individual is capable of handling all phases of a transaction from beginning to end.

We noted the office of the County Court had a lack of segregation of duties as several individuals were capable of handling all aspects of processing transactions from beginning to end. One individual was not established as the primary bookkeeper with no receipting responsibilities, but with depositing and reconciling responsibilities.

A lack of segregation of duties increases the risk of possible errors or irregularities. Personnel are under the direction of both the Nebraska State Court Administrator and the Presiding Judge. We have noted this comment in previous audits.

We recommend the County Court and the Nebraska State Court Administrator review this situation and segregate duties.

2. Pledged Security

Neb. Rev. Stat. Section 77-2326.04 R.R.S. 2003 states, "No deposits in excess of the amount insured by the Federal Deposit Insurance Corporation shall be made to accumulate in any bank . . . designated as a depository unless and until the county judge, clerk of the county court . . . has received from such depository as security for the prompt repayment by the depository of his or her respective deposits in excess of the amount insured by the Federal Deposit Insurance Corporation either a surety bond in form and with corporate sureties approved by the county judge or judges or by formal resolution of the county board, as the case may be, or in lieu thereof, the giving of security as provided in the Public Funds Deposit Security Act." Good internal control would include procedures, which ensure deposits in excess of amounts insured by the Federal Deposit Insurance Corporation (FDIC) are adequately safeguarded from loss.

During the first three months of the fiscal year, Dakota County Court had deposits in excess of amounts insured by FDIC and pledged securities. In addition to the \$100,000 FDIC coverage, the County Court had \$200,000 in pledged securities. The largest amount of deposits observed was \$352,967. The amount in excess of FDIC coverage and pledged collateral of \$300,000 was \$52,967.

DAKOTA COUNTY COURT

COMMENTS AND RECOMMENDATIONS

(Continued)

2. Pledged Security (Concluded)

When deposits in excess of amounts insured by FDIC are not covered by pledged securities, there is a risk Court monies would be lost upon the financial failure of the institution in which monies are deposited.

We recommend the County Court implement procedures to ensure all monies on deposit at financial institutions in excess of amounts insured by FDIC coverage are protected from loss by pledged securities.

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DAKOTA COUNTY COURT

INDEPENDENT AUDITORS' REPORT

Ms. Janice Walker
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Lincoln, Nebraska 68509

We have audited the accompanying financial statement of Dakota County Court as of and for the fiscal year ended June 30, 2004, as listed in the Table of Contents. The financial statement is the responsibility of the Court's management. Our responsibility is to express an opinion on the financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statement was prepared on the basis of cash receipts and disbursements, which is a comprehensive basis of accounting other than generally accepted accounting principles.

Also, as discussed in Note 1, the financial statement presents only the Court's Agency Funds activity and does not purport to, and does not, present fairly the assets, liabilities, and results of operations of Dakota County Court for the year then ended in conformity with the cash receipts and disbursements basis of accounting.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the assets and liabilities arising from cash transactions of the Agency Funds of Dakota County Court as of June 30, 2004, and the related activity for the fiscal year then ended, on the basis of accounting described in Note 1.

In accordance with *Government Auditing Standards*, we have also issued our report dated April 26, 2005, on our consideration of Dakota County Court's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

Handwritten signature of Timothy J. Chamber CPA in black ink.

Assistant Deputy Auditor

April 26, 2005

DAKOTA COUNTY COURT
 DAKOTA CITY, NEBRASKA
STATEMENT OF CHANGES IN ASSETS AND LIABILITIES
ARISING FROM CASH TRANSACTIONS
AGENCY FUNDS

For the Fiscal Year Ended June 30, 2004

	Balance July 1, 2003	Additions	Deductions	Balance June 30, 2004
ASSETS				
Cash and Deposits	\$ 343,039	\$ 1,781,545	\$ 1,875,744	\$ 248,840
LIABILITIES				
Due to State Treasurer:				
Regular Fees	\$ 25,938	\$ 216,834	\$ 224,952	\$ 17,820
Law Enforcement Fees	1,630	22,114	22,280	1,464
State Judges Retirement Fund	2,675	40,747	40,579	2,843
Court Administrative Fees	5,417	131,933	128,004	9,346
Legal Services Fees	4,186	57,728	58,032	3,882
Due to County Treasurer:				
Regular Fines	49,793	596,255	602,243	43,805
Overload Fines	4,850	12,442	16,792	500
Regular Fees	14,520	66,271	79,394	1,397
Due to Municipalities:				
Regular Fines	300	5,148	4,546	902
Regular Fees	595	8,641	8,991	245
Trust Fund Payable	233,135	623,432	689,931	166,636
Total Liabilities	\$ 343,039	\$ 1,781,545	\$ 1,875,744	\$ 248,840

The accompanying notes are an integral part of the financial statement.

DAKOTA COUNTY COURT
NOTES TO FINANCIAL STATEMENT
For the Fiscal Year Ended June 30, 2004

1. Summary of Significant Accounting Policies

A. Reporting Entity

The Dakota County Court is established by State Statute and is administratively operated through the Court Administrator's Office of the Nebraska Supreme Court, which is part of the State of Nebraska reporting entity. The Statement of Changes in Assets and Liabilities Arising from Cash Transactions of the County Court reflects only the Agency Funds activity of the Court; the receipts, and their subsequent disbursement to the appropriate entities for which they were collected. The financial statement does not reflect the personal services expenses of the Court, which are paid by the Nebraska Supreme Court, or the operating expenses, which are paid by Dakota County.

B. Basis of Accounting

The accounting records of the County Court Agency Funds are maintained, and the Statement of Changes in Assets and Liabilities Arising from Cash Transactions has been prepared, on the cash receipts and disbursements basis of accounting. Under this basis of accounting, fines, fees, and receipts relating to trust funds are shown as additions to assets and as an increase in the related liability when received. Likewise, disbursements are shown as deductions to assets and a decrease in the related liability when a check is written. This differs from Generally Accepted Accounting Principles (GAAP) which requires the accrual basis of accounting. Under GAAP, Agency Funds would be reported in the Statement of Net Assets. Agency Funds are not reported in the Statement of Changes of Fiduciary Net Assets. Agency Funds are used to report resources held by the reporting government in a purely custodial capacity. Agency Funds typically involve only the receipt, temporary investment, and remittance of fiduciary resources to individuals, private organizations, or other governments.

2. Deposits and Investments

Funds held by the County Court are deposited and invested in accordance with rules issued by the Supreme Court as directed by Neb. Rev. Stat. Section 25-2713 R.R.S. 1995. Funds are generally consolidated in an interest-bearing checking account; however, the Court may order certain trust funds to be invested separately. Any deposits in excess of the amount insured by the Federal Deposit Insurance Corporation are required by Neb. Rev. Stat. Section 77-2326.04 R.R.S. 2003 to be secured either by a surety bond or as provided in the Public Funds Deposit Security Act.

DAKOTA COUNTY COURT
NOTES TO FINANCIAL STATEMENT
(Continued)

2. Deposits and Investments (Concluded)

The carrying amounts and bank balances of total deposits, consisting of a checking account and a savings account, were as follows:

	Total Cash and Deposit <u>Carrying Amount</u>	<u>Cash Amount</u>	Deposit <u>Carrying Amount</u>	<u>Bank Balance</u>
June 30, 2004	\$ 248,840	\$ 180	\$ 248,660	\$ 332,529

However, funds were entirely covered by federal depository insurance or by collateral securities pledged to the Court and held by a Federal Reserve Bank, or by a Bank or trust company in this State other than the depository bank, except as noted in Comment Number 2 (Pledged Security).

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DAKOTA COUNTY COURT REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

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Ms. Janice Walker
State Court Administrator
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We have audited the financial statement of Dakota County Court as of and for the year ended June 30, 2004, and have issued our report thereon dated April 26, 2005. The report was modified to emphasize that the financial statement presents only the Agency Funds of Dakota County Court prepared on the basis of cash receipts and disbursements. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered Dakota County Court's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide an opinion on the internal control over financial reporting. However, we noted a certain matter involving the internal control over financial reporting and its operation that we consider to be a reportable condition. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect Dakota County Court's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statement. A reportable condition is described in the Comments Section of the report as Comment Number 1 (Segregation of Duties).

A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, we believe the reportable condition described above is a material weakness.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Dakota County Court's financial statement is free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We noted a certain additional matter that we reported to the management of Dakota County Court in the Comments Section of the report as Comment Number 2 (Pledged Security).

This report is intended solely for the information and use of the Court and the appropriate Federal and regulatory agencies. However, this report is a matter of public record and its distribution is not limited.

Handwritten signature of Timothy J. Chamber CPA in black ink.

Assistant Deputy Auditor

April 26, 2005